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April 29, 2025

VIA ECF

Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Reid v. Remekie
Case No. 1:25-cv-00904-RER-JRC

Dear Judge Reyes:

Our firm represents the Respondent, Nina Remekie, in this Hague Convention proceeding. We write to the Court for guidance on an evidentiary issue which was raised on our call last week with Magistrate Judge James R. Cho, who suggested the issue be raised with Your Honor.

It is the undersigned's belief that the Petitioner will seek to introduce the written report of their rebuttal expert, Dr. Peter Favaro, as an exhibit at trial. It is respectfully submitted that the contents of this report are hearsay, offered by the Petitioner *in lieu* of or to reinforce the trial testimony of Dr. Favaro, and therefore inadmissible at trial. *Granite Partners, L.P. v. Merrily Lynch, Pierce, Fenner & Smith Inc.*, 2002 U.S. Dis. Lexis 7535, *19-20 (S.D.N.Y. 2003) ("the written report[] of any expert expected to testify for the [petitioner] or [respondent] is hereby excluded as inadmissible hearsay."); *Herrin v. Ensco Offshore Co.*, 2002 U.S. Dist. Lexis 5744, *6-7 (E.D. la. 2002) (sustaining plaintiff's objections to defendant's proffer of two expert reports as trial exhibits on the grounds of hearsay).

In light of the foregoing, I am writing to Your Honor for guidance as to whether the objection should be raised in a motion *in limine* or would be addressed by the Court in the event the Petitioner seeks to offer the report into evidence. To the extent the Court would like a motion *in limine* filed, the Respondent is requesting leave of Court to file a memorandum of law *in lieu* of formal motion practice.

Very truly yours,

/s/ Michael C. Barrows

Michael C. Barrows

cc: Counsel for Petitioner (via ECF)